PATENT
Appl. No. 10/613,349
Attorney Docket No. 450103-04750

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the

amendments and remarks herein.

Upon entry of this amendment, claims 1-9, 11-21, 23-29, 31-57 and 59-66 are pending.

By this amendment, claims 10 and 30 have been canceled; claims 1, 11-16, 20, 31, 34, 50, 50,

and 61 have been amended; and claims 63-66 have been added. No new matter has been added.

Claim Objections

In Section 3 of the Office Action, claims 1, 20, and 34 stand objected to for not reciting

"a computer-implemented method" ("potential 101 error"). This objection is respectfully

traversed.

MPEP in Section 2106.IV.B.2.(b) (on page 2100-15 of MPEP, Rev. 1, Feb. 2003) in

quoting *Diamond v. Diehr* states that "[statutory] process is a mode of treatment of certain

materials to produce a given result. It is an act, or a series of acts, performed upon the subject

matter to be transformed and reduced to a different state or thing .... The process requires that

certain things should be done with certain substances, and in a certain order".

Claims 1, 20, and 34 recite a series of acts performed upon the subject matter to be

transformed and reduced to a different state or thing. Therefore, it is respectfully requested that

the objection be withdrawn.

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§103 Rejection of Claims 1-9, 17-21, 23, 25-57 and 59-62

In Section 5 of Sept. 20, 2005 Office Action (hereinafter referred to as "the Office

Action"), claims 1-9, 17-21, 23, 25-57 and 59-62 stand rejected under 35 U.S.C. §103(a) as

being unpatentable over Novak (U.S. Publication No. 2002/0104099 A1) in view of Ellis *et al.*

(U.S. Patent No. 6,774,926 B1; hereinafter referred to as "Ellis") and PocketFeed

(http://www.furrygoat.com/Misc/Software.html).

In the Background section of the Specification, it is stated, "[s]haring pictures and video

among people is often a popular form of entertainment. With the growing popularity of the

Internet, sending images across the Internet has also become more popular. Recently, mobile

devices such as cellular phones and PDA's (Personal Digital Assistants) include media capture

devices such as cameras and microphones. In addition, some devices have network capability.

Accordingly, it is desirable to provide users of these mobile devices with a convenient and

enjoyable environment for sharing images and audio across networks." *Background of the*

Specification, Page 2, lines 13-20 (emphasis added).

To achieve the above-stated objective, embodiments of the present invention provide

methods and systems for providing network media channels including media files. For example,

the method of providing a network media channel, as recited in claim 1, includes:

> *capturing* media data using a media capture device, wherein said
> media capture device is connected to a network and includes
> local storage and a media editing component;
>
> *storing* said captured media data in a media file in said local
> storage of said media capture device;
>
> *modifying* said media file using said media editing component of
> said media capture device including adding metadata to said
> media file;

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>   *determining* a network media channel to which said media file
>   belongs using said metadata;
>
>   *publishing* said modified media file to said network to correspond
>   to said determined network media channel, such that said
>   published media file is accessible through said network; and
>
>   *generating* a notification of an update to said network media
>   channel based on said publication of said media file.

(emphasis added)

Accordingly, in one aspect of claim 1, metadata is added to the media file and the metadata is used to determine a network media channel to which the media file belongs. This aspect, which provides advantages over the conventional design, is described in detail in the specification as follows: "In one example ... user, X, of the phone 105 captures several seconds of audio and video data of an interesting event at a party, storing the media data into a multimedia file in the phone 105. X uses an editing tool of the phone 105 to adjust the brightness of the video data and add a text title of "Friday Night" to the media file. X's phone 105 adds metadata to the media file indicating the time when the media file was created and updated, as well as the location of the phone 105 when the media file was created using an embedded GPS system. X's phone 105 also adds metadata to the media file indicating the media file is for a network media channel X had previously created, called "X's Life." X enters a publish command to publish the Friday Night media file to the X's Life network media channel." *Specification, paragraph [0020], emphasis added.*

By contrast, Novak, Ellis, and PocketFeed, individually or in combination, fail to teach or suggest adding metadata to the media file and determining a network media channel to which the media file belongs using the metadata. Furthermore, although Section 6 of the Office Action states that Toyama (on page 3, [0022]) teaches "adding metadata to said media file" (claim 10)

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and "said metadata indicates said network media channel" (claim 11), Toyama fails to teach or

suggest adding metadata to the media file and determining a network media channel to which the

media file belongs using the metadata. In fact, Toyama merely states that "[t]he metadata can

include: the title, subject, author, creation date and time, location, subject and size of a file, level

of privacy associated with the image, modification history, usage statistics (the number of times

it was requested, posted, emailed), user rating, any and all user annotations, owner of the

metadata and so on." *Toyama, page 3, paragraph [0022]*.

Based on the foregoing discussion, claim 1 should be allowable over Novak, Ellis,

PocketFeed, and Toyama. Claims 34, 50, and 60 closely parallel claim 1, and recite substantially

similar limitations as recited in independent claim 1. Therefore claims 34, 50, and 60 should

also be allowable over Novak, Ellis, PocketFeed, and Toyama. Since claims 2-9, 17-19, 35-49,

51-57, 59, and 61-62 depend from one of independent claims 1, 34, 50, and 60, claims 2-9, 17-

19, 35-49, 51-57, 59, and 61-62 should also be allowable over Novak, Ellis, PocketFeed, and

Toyama.

Claim 20, as amended, recites:

> 20. A method of providing a network media channel, comprising:
>
> *subscribing* to a network media channel with a server through a
> network,
>
>> wherein said subscribed media channel is a filter channel
>> including any media files that match a filter query extracted
>> from one or more target media network channels, and said
>> filter channel indicates said filter query and said one or more
>> target media network channels;
>
> *requesting* a notification of an update to said network media
> channel from said server through said network,
>
>> wherein said notification is requested by a portable media
>> browsing device subscribing to said network media channel;

> *receiving* said notification of said update to said network media
> channel from said server through said network; and
>
> *receiving* a media file corresponding to said update of said network
> media channel at said portable media browsing device from
> said server through said network.

(emphasis added)

Accordingly, in one aspect of claim 20, the subscribed media channel is a filter channel

including any media files that match a filter query extracted from one or more target media

network channels, and the filter channel indicates the filter query and one or more target media

network channels.

By contrast, Novak, Ellis, and PocketFeed, individually or in combination, fail to teach or

suggest a filter channel including any media files that match a filter query extracted from one or

more target media network channels, and the filter channel indicates the filter query and one or

more target media network channels. Furthermore, although the Office Action specifically states

that Ellis teaches "a filter channel including any media files that match a filter query extracted

from one or more target media network channels, and said filter channel indicates said filter

query and said one or more target media network channels (Ellis, col. 1, lines 38-42)", Ellis

merely discloses "[v]iewers may access the schedule information and perform various functions,

such as searching for programming of interest, establishing favorite programs, setting reminders,

and setting parental controls." *Ellis, col. 1, lines 38-42.* Thus, it seems Ellis fails to disclose a

filter channel including any media files that match a filter query extracted from one or more

target media network channels. Ellis further fails to disclose that the filter channel indicates the

filter query and one or more target media network channels.

Based on the foregoing discussion, claim 20 should be allowable over Novak, Ellis, and

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PocketFeed. Since claims 21, 23, 25-29, and 31-33 depend from claim 20, claims 21, 23, 25-29,

and 31-33 should also be allowable over Novak, Ellis, and PocketFeed. Claim 30 has been

canceled.

Accordingly, it is submitted that the rejection of claims 1-9, 17-21, 23, 25-57 and 59-62

based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof

is respectfully requested.

§103 Rejection of Claims 10-16 and 24

In Section 6 of the Office Action, claims 10-16 and 24 stand rejected under 35 U.S.C.

§103(a) as being unpatentable over Novak in view of Ellis, PocketFeed, and Toyama *et al.* (U.S.

Publication No. US 2004/0070678 A1; hereinafter referred to as "Toyama").

Based on the foregoing discussion regarding claim 1, and since claims 11-16 depend

from claim 1, claims 11-16 should also be allowable over Novak, Ellis, PocketFeed, and

Toyama. Based on the foregoing discussion regarding claim 20, and since claim 24 depends

from claim 20, claim 24 should also be allowable over Novak, Ellis, and PocketFeed. Further,

Toyama fails to teach or suggest a filter channel including any media files that match a filter

query extracted from one or more target media network channels, and the filter channel indicates

the filter query and one or more target media network channels. Therefore, claim 24 should be

allowable over Novak, Ellis, PocketFeed, and Toyama. Claim 10 has been canceled.

Accordingly, it is submitted that the rejection of claims 10-16 and 24 based upon 35

U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully

requested.

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Newly-added Claims 63-66

Based on the foregoing discussion regarding claims 20 and 34, and since claims 63-64

and 65-66 depend from claims 20 and 34, respectively, claims 63-66 should also be allowable

over the cited prior art reference. In particular, claims 63-66 claim additional definitions for the

term RSS as defined in http://en.wikipedia.org/wiki/RSS_%28file_format%29.

CONCLUSION

In view of the foregoing, entry of this amendment, and the allowance of this application

with claims 1-9, 11-21, 23-29, 31-57 and 59-66 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this

application, it is submitted that these claims, as originally presented, are patentably distinct over

the prior art of record, and that these claims were in full compliance with the requirements of 35

U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of

patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are

made simply for clarification and to round out the scope of protection to which Applicants are
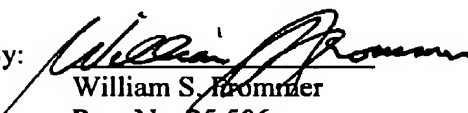
entitled.

In the event that additional cooperation in this case may be helpful to complete its

prosecution, the Examiner is cordially invited to contact Applicants' representative at the

telephone number written below.

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The Commissioner is hereby authorized to charge any insufficient fees or credit any

overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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